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SECURITY COUNCIL
Fiftieth year

Letter dated 30 June 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I am writing to you concerning the letter addressed to you by Mr. Vladislav Jovanovic, Minister for Foreign Affairs of the "Federal Republic of Yugoslavia (Serbia and Montenegro)", of 13 June 1995 (A/50/219-S/1995/482) and, upon instructions from my Government, I have the honour to state the following.

In his letter, Mr. Jovanovic charges that the operation of the Croatian territorial defence and police forces in the western part of the Slavonia region of the Republic of Croatia represented a flagrant violation of all relevant Security Council resolutions. The fact is that the above-mentioned security action constituted a response to terrorist attacks, killings and kidnapping of Croatian citizens, as well as to the decision of the local Serb authorities to close down the Zagreb-Lipovac highway. These actions by local Serbs constituted a gross violation of both the cease-fire agreement of 29 March 1994 (S/1994/367, annex) and the economic agreement of 2 December 1994 (S/1994/1375, appendix I). As a result, the Republic of Croatia acted as any other sovereign State would under the circumstances in order to safeguard the lives of its citizens and to restore order on its territory.

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* A/50/50/Rev.1.

However, the manner in which Mr. Jovanovic describes the legitimate actions of the security forces of the Republic of Croatia clearly indicates that it is the "Federal Republic of Yugoslavia (Serbia and Montenegro)" which has no regard for the relevant Security Council resolutions. These resolutions have called for respect for the sovereignty and territorial integrity of the Republic of Croatia. However, by stating that Croatian security forces committed "aggression" and that they "occupied" western Slavonia, Belgrade's foreign minister clearly indicates that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" does not consider the western part of Slavonia as an integral part of the territory of the Republic of Croatia. In addition, Mr. Jovanovic refers to those individuals who are part of the Croatian Serb paramilitary forces in Croatia as "members of the army of the Republic of Serbian Krajina", thereby recognizing an illegal and self-declared entity on the territory of the Republic of Croatia.

The position of Belgrade is, therefore, in contravention of relevant Security Council and General Assembly resolutions and is opposed to the basic tenets of the United Nations, which are based on respect for international borders and the principle of inadmissibility of the acquisition of territory through the use of force. Belgrade's position is also in direct opposition to the basic principle of the peace process in the region - that a lasting peace can only come about if there is mutual recognition by the successor States of the former Yugoslavia within their existing internationally recognized borders.

Mr. Jovanovic further states that "the principal goal of the armed action of Croatia was to annihilate the Serbian civilian population, terrorize it and complete the ethnic cleansing in Western Slavonia that Croatia began in 1991". Aside from not being true, this charge represents the most disdainful form of hypocrisy since it was Serbia and Montenegro which, from 1991 onwards, carried out the policy of ethnic cleansing which drove tens of thousands of ethnic Croats and other non-Serb citizens of Croatia from their homes and whose elite military units conducted the brutal assaults against Vukovar and Dubrovnik. It was because of its policy of ethnic cleansing in Croatia and Bosnia and Herzegovina that the Security Council imposed sanctions against the "Federal Republic of Yugoslavia (Serbia and Montenegro)".

I wish to draw your attention to the fact that the claims of Mr. Jovanovic are in conflict with your recent report pursuant to Security Council resolution 994 (1995) (S/1995/467 and Corr.1). That report states that the "Croatian Government has sought to encourage Serbs to remain" and that "the Croatian police have reportedly conducted themselves properly and with concern for the remaining Serbs". In regard to violations of human rights by government authorities, the report states that "these do not appear to have been systematic or part of a larger strategic design". These findings have been confirmed by the Special Rapporteur of the Commission on Human Rights as well as by reputable human rights organizations such as Human Rights Watch/Helsinki.

I also wish to remind you that the problem in western Slavonia is a consequence of Serbian aggression carried out in 1991 by the Belgrade authorities with the purpose of creating a "Greater Serbia". In the course of this aggression, tens of thousands of ethnic Croats, Czechs and other non-Serb residents of western Slavonia were killed or driven from their homes, while many

ethnic Serb residents were forcibly resettled by Serb forces into regions that had been ethnically cleansed of non-Serbs and were designated to become part of "Greater Serbia". Following the perverse logic of ethnic cleansing, ethnic Serbs were often evacuated prior to an attack against civilian targets in ethnically mixed regions so that Serb forces could conduct indiscriminate shelling and wholesale random killings, safe in the knowledge that among the victimized population there were no ethnic Serbs. Once the non-Serb population in these areas was killed or terrorized into fleeing, the ethnic Serb evacuees would be returned to retake their property as well as that of the non-Serb residents who had been ethnically cleansed. However, not all the parts of western Slavonia in which the local Serb population was evacuated were eventually occupied by Serb forces, leaving many Croatian Serbs in the position of displaced persons or refugees. This policy by Serb forces and the hostilities initiated by their aggression - rather than any supposed ethnic cleansing campaign by the Croatian Government - was the primary reason for the displacement of many ethnic Serbs from western Slavonia in 1991. It should be noted that, both in 1991 as well as recently, many of these ethnic Serbs have been resettled in eastern Slavonia (where Croats and other non-Serbs constituted the absolute majority prior to the war) in order to solidify Serbian occupation of that region, which is adjacent to Serbia.

I wish to refer to the document which I had previously submitted to you (A/49/719) which provides information from various independent sources confirming the information mentioned in the above paragraph.

It is not our intention to imply that there were no ethnic Serbs from the western part of the Slavonia region of Croatia who could legitimately be considered refugees and who, in 1991, left for justifiable reasons related to hostilities there. However, I wish to state that the misfortune which has befallen them, in 1991 and now, is the direct consequence of the policies of the Belgrade authorities who armed and organized many of them to fight as their proxies against the Croatian Government and against their fellow Croatian citizens. Having been instigated by Belgrade to serve as an instrument in a genocidal campaign against their neighbours and having been influenced by an incessant anti-Croatian propaganda campaign from Belgrade, many of these ethnic Serbs - even though most are not personally responsible for the crimes committed - have decided to leave rather than face their surviving neighbours who are returning to live in the region. This has occurred despite the fact that the Croatian Government has undertaken measures to ensure their safety and has appealed to them to stay.

In this regard, I wish to reiterate the position of the Croatian Government that those ethnic Serb citizens of Croatia who have left western Slavonia - and who have not committed war crimes - are free to return and that they will have their personal safety and respect for their human rights guaranteed by the Croatian Government. At the same time, I wish to state that representatives of the Belgrade authorities who have conducted policies that have resulted in the misfortune of these people - not to mention of ethnic Croats and others - have no legal or moral right to speak on their behalf or to try to place blame on the Croatian Government for the criminal policies which they have themselves conducted.

I would be grateful for your kind assistance in circulating the present letter as a document of the General Assembly, under items 92 and 114 (c) of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative